

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 THE CITY OF JACKSON, MISSISSIPPI,)
)
 Defendant.)
 _____)

Case No. 3:22-cv-00686-HTW-LGI

**JOINT MOTION FOR AMENDMENT
TO INTERIM STIPULATED ORDER**

The parties in this action—Plaintiff the United States of America, on behalf of the United States Environmental Protection Agency (“United States”), and Defendant the City of Jackson, Mississippi (“City”)—jointly move this Court to enter the proposed order, submitted herewith, amending the Court’s November 29, 2022, Interim Stipulated Order [Dkt. No. 6] to enable the Court-appointed Interim Third-Party Manager (“ITPM”) to receive certain EPA grant monies through JXN Water, Inc, the entity created by the ITPM solely to implement the ITPM’s obligations under the Interim Stipulated Order.

The United States and the City propose a single addition (shown below in red, underlined text) to Paragraph 4 of the Interim Stipulated Order:

4. **Interim Third-Party Manager.** Edward “Ted” Henifin is hereby appointed as Interim Third-Party Manager (“ITPM”) of the System and WSBA. Solely for the purpose of implementing this Stipulated Order, the ITPM may operate through JXN Water, Inc., or a successor entity. Any document submitted pursuant to the ISO

through JXN Water, Inc., or a successor entity, to the City, MSDH, or EPA shall be signed by the ITPM.

In support of their Motion, the United States and the City submit the following:

1. On November 29, 2022, this Court entered an Interim Stipulated Order, which among other things appointed Mr. Ted Henifin as the ITPM of the City’s public drinking water system (the “System”) and Water/Sewer Billing Administration Division (“WSBA”). *See* Interim Stipulated Order [Dkt. No. 6 at ¶ 4].
2. Solely to implement his obligations under the Interim Stipulated Order, Mr. Henifin incorporated JXN Water, Inc. (“JXN Water”) on December 7, 2022. JXN Water is a corporation organized under the laws of the State of Mississippi, with its principal place of business in Jackson, Mississippi;
3. For legal, financial, and practical reasons, Mr. Henifin performs many ITPM obligations through JXN Water. For example, JXN Water has hired local employees and entered into contracts for, among other things, operation and maintenance of the O.B. Curtis Water Treatment Plant and the J.B. Fewell Water Treatment Plant and repair of line breaks in the distribution system.
4. Among the ITPM’s responsibilities and authorities is the responsibility and authority to “[s]eek out, apply for, and execute state and federal grants, loans, and other sources of funds for the implementation of this Stipulated Order” *Id.* at ¶ 6.r.
5. The proposed amendment will facilitate the ITPM’s ability to fulfill this responsibility, including the application for and receipt of certain grant monies, through JXN Water.
6. The proposed amendment is not intended to affect any other provision of the Interim Stipulated Order.

7. The ITPM has reviewed and consents to the substance and form of the amendment.
8. The State of Mississippi, a non-party signatory to the Interim Stipulated Order, has reviewed and consents to the substance and form of the amendment by and through the Mississippi State Department of Health.
9. Because this Joint Motion is uncontested, the United States and the City request relief from the obligation to file a memorandum brief in support of this motion. *See* L. U. Civ. R. 7(b)(4).
10. The United States and the City respectfully request the Court grant this Joint Motion for the proposed amendment to the Interim Stipulated Order.

FOR THE UNITED STATES OF AMERICA:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Dated: April 4, 2023

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/s/ Angela Mo
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Dated: April 4, 2023

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Dated: April 4, 2023

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